

# Notice of Allowability

Application No.

10/652,759

Examiner

TISHA D. LEWIS

Applicant(s)

WILEY ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on November 23, 2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ The drawings filed on 29 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

The following is a response to the amendment/request for reconsideration received on November 23, 2004 which has been entered.

#### ***Response to Amendment***

Claims 1-18 are pending in the application.

-The objection to the abstract has been withdrawn due to applicant submitting a new abstract.

-The objection to claim 12 has been withdrawn due to applicant correcting the dependency of that claim.

-The 112 2<sup>nd</sup> rejection of claims 10-12 has been withdrawn due to applicant correcting the lack of antecedent basis of the external control arm limitation in claim 10.

#### ***Response to Arguments***

Applicant's arguments, see pages 8 and 9, filed November 23, 2004, with respect to the prior art of record not disclosing first and second linkages having a pair of arms wherein the arms of each pair are opposite in direction, have been fully considered and are persuasive. The 102(b) rejection of claims 7 and 8 has been withdrawn.

#### ***Allowable Subject Matter***

Claims 1-18 are allowed. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for:

-(As to claim 1) a control mechanism for a hydrostatic transmission wherein each of a first and second linkage member having a pair of arms in which the arms of each

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pair extend in opposite directions wherein a first arm of the first linkage is operatively connected to a vehicle drive control and the second arm is operatively connected to a transmission control arm and a third arm of the second linkage is operatively connected to a brake control and the fourth arm is operatively connected to a brake mechanism in combination with all the remaining limitations of claim 1.

-(As to claim 7) a control mechanism for a transmission wherein each of a first and second symmetric linkage member has a pair of arms in which the arms of each pair extend in opposite directions and the second linkage member is rotatably mounted to the first linkage member.

-(As to claim 10) same reasons as claim 1 in combination with all the remaining limitations of claim 10.

-(As to claim 13) an axle driving apparatus having a control mechanism with a first linkage member engaged with a return arm wherein movement of the first linkage causes the return arm to move a drive control engaged with a second linkage member to a neutral position without engaging a brake control secured to a spring device in which further movement of the first linkage causes the spring to rotate the brake control in combination with all the remaining limitations of claim 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 703-305-0921. The examiner can normally be reached on M-Thur 8 AM TO 3 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl  
February 22, 2005

  
TISHA LEWIS  
PRIMARY EXAMINER  
AU 3681 2/22/05